

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. 3154

(BILL NO. 25-2019)

**AN ORDINANCE AMENDING CHAPTER 6, ARTICLE I,
FIREWORKS, SECTION 6-3 (USE AND SALE OF FIREWORKS,
LIMITATIONS) TO IMPOSE MODIFIED TIME RESTRICTIONS
ON THE DISCHARGE OF FIREWORKS**

WHEREAS, the Township of Whitehall is a Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Home Rule Charter of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall may, under the general authority of the Home Rule Charter, enact regulations to ensure the health, safety, and general welfare of the citizens of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall has determined that it would be in the best interest of the Township of Whitehall to provide for certain amendments to Chapter 6, Article I, Section 6-3 to further address the appropriate times for the discharge of fireworks in the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall has determined that the health, safety, and general welfare of the citizens of the Township of Whitehall will be promoted and served by enacting this Ordinance.

NOW, THEREFORE, Chapter 6, **Conduct**, Article I, **Fireworks**, Section 6-3, **Use and sale of Fireworks; limitations**, is hereby repealed in its entirety and replaced by the following:

Section 6-3. Use and sale of Fireworks; limitations.

- A. Definitions. – As used in this section, the following terms shall have the meanings indicated:
- (1) Consumer Fireworks. Any combustible or explosive composition or any substance or combination of substances which is intended to produce visible or audible effects by combustion that is suitable for use by the public and permitted to be sold, possessed and used through the Commonwealth of Pennsylvania.
 - (2) Occupied structure. A structure, vehicle or place adapted for overnight accommodation of persons or for conducting business, whether or not a person is actually present.
 - (3) Pyrotechnic device. Any device not classified as a firework which produces a visible or audible effect by combustion for the purpose of entertainment, including novelty devices.

B. Restrictions on the Use of Fireworks. – Fireworks are permitted in the Township of Whitehall provided they are used and sold in compliance with House Bill 542, Act No. 2017-43 and subject to the following restrictions:

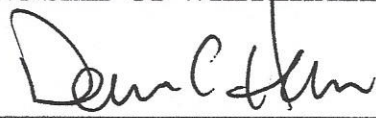
- (1) No person shall discharge fireworks on any public or private property within 150 feet of any occupied structure. In the absence of any occupied structure, use or storage of fireworks on public or private property requires the express permission of the property owner.
- (2) No fireworks may be purchased, possessed, used or stored by any person under eighteen (18) years of age.
- (3) No fireworks or pyrotechnic device shall be discharged within, out of or toward any vehicle or building, or directed at any person.
- (4) No fireworks or pyrotechnic device shall be used by any person under the influence of alcohol, controlled substance, or other drug.
- (5) No fireworks or pyrotechnic device shall be discharged between 22:00 hours (10:00 p.m.) and 06:00 hours (6:00 a.m.), with the exception of New Year's Eve, when fireworks or pyrotechnic devices may be discharged until 00:30 hours on New Year's Day (January 1 at 12:30 a.m.) but not between the hours of 00:30 (12:30 a.m.) and 6:00 (6:00 a.m.).

C. Restrictions on the Sale of Fireworks. – Fireworks are permitted in the Township of Whitehall provided they are used and sold in compliance with House Bill 542, Act No. 2017-43 and subject to the following restrictions:

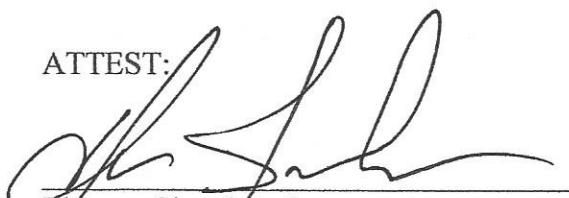
- (1) Fireworks may be purchased at any licensed facility, including temporary ones as may be permitted under Pennsylvania law, with the licenses being issued by the Pennsylvania Department of Agriculture.
- (2) Temporary structures, including but not limited to tents and other structures found in parking lots, to the extent permitted to sell fireworks under Pennsylvania law, are permitted to sell fireworks in the Township of Whitehall between the dates of June 15 – July 8, and December 21 – January 2, each year.
- (3) Any temporary structures must comply with the current International Fire Code as well as any building codes adopted or enacted by the Township of Whitehall.

DULY ORDAINED AND ENACTED this 13th day of May, 2019, at a regular public meeting in lawful session duly assembled.

**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

By: 
Dennis C. Hower, President

ATTEST:


Thomas Slonaker, Secretary

AND NOW, to wit, this 14~~th~~ day of May, 2019, the above is approved.


Michael P. Harakal, Jr., Mayor